

FILED

JAN 13 2014


Clerk

UNITED STATES DISTRICT COURT
FOR SOUTH DAKOTA
RAPID CITY

Earl H Smith, Plaintiff

vs.

Dr. Frankie Delgado and
the Director of the Ft. Meade VA
Center, Defendants.

Medical Malpractice

Claim... #1. The U. S. District Court has jurisdiction because Dr. Delgado and the VA Director act under Federal Jurisdiction since the VA is part of the US Government. The state would not have any jurisdiction.

#2. Background... I took a three deck fall while in the US Navy in 1965. I injured my neck and back. Pain has increased/become worse over the years. It is now extremely severe! ... For years the VA gave me Hydrocodone for my pain!!! (I never overdosed on Hydrocodone during that time)

#3. Recently, according to what I've heard, a person unknown to me overdosed on pain medicine, so the VA here went on a tear denying others/me pain medicine!!! (The VA offered me a useless Tens Unit and Lidocaine "greasy kid stuff". Both do little good!!! The Tens Unit can't even be used on my back in the pain areas because they are bony areas; it must be used over muscled areas.)

#4. So, I'm left in constant extreme pain, and the VA goes blissfully on as Dr. Delgado ignores my pleas for Hydrocodone, Oxycontin, or "something" for my pain! I have written the Director about this, and I was ignored. (I feel that the Director and Dr. Delgado couldn't care less how much pain I suffer!!!)

Therefor, I sue in a cause of medical malpractice for pain and suffering, and I request that the defendants be forced to pay me the sum of \$2,000,000.00.

All statements herein are true and correct to the best of my knowledge and belief;

Signed:  Date: Jan. 10, 2014
Earl H Smith

Court